COCHIN LEGISLATIVE COUNCIL PROCEEDINGS.

(Legislative Session of Makaram 1101)

Monday — *the 1st of February 1926.*
the 19th of Makaram 1101.

The second sitting of the legislative session of 1101 commenced at 11-30 a. m. in the Town Hall, Ernakulam, on the 19th of Makaram 1101, corresponding to the 1st of February 1926. M. R. Ry., Rao Bahadur T. S. Narayana Ayyar Avl., M. A., B. L., the Diwan of Cochin and the *ex-officio* President of the Council, presided. All the members, except Messrs. K. Krishna Menon, Lonappan Chakkola, Poulo Mampilli, P. Munda Vaidyan, Dr. A. R. Menon and Mr. H. J. Walmesly, were present.

PRESIDENT.

Members of the Cochin Legislative Council,

The first sitting of the legislative session we are now having was, as you all remember, in Vrischigam last, and now we have met a second time to transact the business left undone at that meeting. There are some new items of business that have come up, and you will try to attend to them also. We have provided for five days' work at this meeting, and I hope it will be possible to get through the daily programme fully. The Legislative Council Secretary will now rise to perform his function in connection with questions and answers which is the first item of business for the day.

QUESTIONS AND ANSWERS.

The Defalcation in the Devaswam and the Excise Departments.

Mr. T. A. RAMACHANDRA AYYAR.

135. Is it true that the Devaswam Inspector, while still the case against him was pending, was dismissed for the defalcation committed by a subordinate of his in the Trippunittura Group, while no such action was taken regarding the Excise defalcation against the Superintendent who was personally responsible for Debt Head Transactions under the Account Code? If so, why?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. DAMODARA MENON

The former part of the question relates to a Sirkar Devaswam matter and the latter to matters *sub-judice*.

Mr. C. A. KUNJUNNI RAJA.

A point of order, Sir. The answer will show that the former part of the question relates to a Sirkar Devaswam. It is practically disallowing the question. When once the question has been admitted, the Government has no power to disallow the question.

PRESIDENT.

What is the point of order?

Mr. C. A. KUNJUNNI RAJA.

From the answer it will be found that it practically disallows the question, "The former part of the question relates to a Sirkar Devaswam matter and the latter to matters *sub-judice*." They are not prepared to answer. I can understand from Rule 11 that the President has got power to disallow the question. But the President has not disallowed it. It has been admitted. It is the Government that disallows it.

PRESIDENT.

Suppose the President has acted against the rule. What is the Government to do?

Mr. C. A. KUNJUNNI RAJA.

The Government may raise a point of order and say that the question should not be answered. It is a refusal to answer.

PRESIDENT.

Is there much difference between the two—in not answering and refusing to answer—because the rules prohibit such questions?

Mr. C. A. KUNJUNNI RAJA.

The results may be the same, and the Diwan's and the President's functions may both be combined in the same individual. But as President, you, Sir, are performing here a different function. When once you admit a question, the Government cannot say they will not answer, and if there is any mistake in the act of the President, I do not know if there is any remedy. It is not for me to point out that also.

PRESIDENT.

So the matter reduces itself to one of form and not of substance.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. KUNJUNNI RAJA.

The results will be the same. That I can understand.

PRESIDENT.

The matter refers to one of form. In some cases, it is necessary to strictly adhere to forms.

Mr. T. A. RAMACHANDRA AYYAR.

My question is regarding the action of the Government against a Government servant. Unfortunately, the word "Devaswam" comes in. Suppose I remove the word "Devaswam" and put the question in this way:—"Is it true that a Government officer, while still the case against him was pending, was dismissed for the defalcation committed by a subordinate of his in the Trippunittura Group, while no such action was taken regarding the Excise defalcation against the Superintendent who was personally responsible for Debt Head Transactions under the Account Code? If so, why?"

PRESIDENT.

So that your point is : " Suppose it does not relate to a Devaswam matter." Is it not?

Mr. T. A. RAMACHANDRA AYYAR.

The word " Devaswam " comes in. I don't think the very word " Devaswam " is repulsive.

PRESIDENT.

Nobody says that the question is repulsive, because it contains the word " Devaswam. "

Mr. T. A. RAMACHANDRA AYYAR.

I want to know the action taken by the Government against a *Government officer.*

PRESIDENT.

If it is possible for you to put a question without bringing in the word "Devaswam ", you can do it.

Mr. T. A. RAMACHANDRA AYYAR.

Then I ask a supplementary question in this way:—

"Is it true that a Government officer, while the case is pending against him, was dismissed for the defalcation committed by a subordinate of his in the Trippunittura Group, while no such action was taken regarding the Excise defalcation against the Superintendent who was personally responsible for Debt Head Transactions under the Account Code? If so, why?

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT.

Does a supplementary question arise in that way?

Mr. P. DAMODARA MENON.

It is a new question.

PRESIDENT.

Your right of putting a question is not lost. But you may remove this word "Devaswam." You can put it in a general way—"a Government servant," instead of "Inspector."

Mr. T. A. RAMACHANDRA AYYAR.

My point is that the Devaswam Inspector happens to be a Government servant, or the Government servant for the time being happens to be an Inspector. He at times belongs to other departments. My question is about the Government servant, who is for the time being a Devaswam Inspector.

PRESIDENT.

The question refers to acts done by him in his capacity as a Devaswam officer.

Mr. T. A. RAMACHANDRA AYYAR.

I want to know the action taken by the Government regarding this officer.

PRESIDENT.

If your question is addressed in a general form without reference to any particular person, that is something different. But if your question is addressed with reference to a particular officer who, for the time being, is in the employment of the Devaswam, then that is another matter.

Mr. T. A. RAMACHANDRA AYYAR.

This has nothing to do with Devaswam affairs. It is against an officer who has committed a mistake.

PRESIDENT.

That is, all these can be attributed to him, while he was doing duty as Devaswam Inspector. This, I think, refers to acts done by him in his capacity as Devaswam Inspector. Is it not so? Do you follow me?

Mr. T. A. RAMACHANDRA AYYAR.

With all that, he is a Government servant. I question about the action of the Government with regard to this Government servant.

PRESIDENT.

Mr. Raja just now observed that the President has got a function as Diwan also. Certain acts of his done in his capacity

LIBRARY ARCHIVES Kerala Legislative Assembly

as Diwan will have a different bearing. In the same way, acts done by the Devaswam Inspector in his capacity as a Devaswam servant have a different bearing. Is it not so? It will have to be considered in that light.

The Appointment of Mr. U. Kandar Menon as the Trichur Sirkar Vakil.

Mr. T. A. RAMACHANDRA AYYAR.

136. (a) Is it a fact that the appointment of Mr. U. Kandar Menon of the Trichur bar as the local Sirkar Vakil was considered by the Government?

(b) Though that appointment was not made forthwith, is it a fact that the Sirkar Vakil of Trichur, who was instructing the Sirkar Advocate in the Nambudiri Vidyalayam case, was ordered to be superseded by Mr. Kandar Menon to whom the papers were entrusted even for instruction?

(c) Considering the fact that the Sirkar Vakil has put in but 20 years' service, were the Government justified in doing an act so as to create a seeming impression in the public that the Sirkar Vakil was not competent even to 'instruct' in the case?

(d) If the Government had been convinced of such a lamentable lack of his qualification, why did they not dispense with his services long ago?

Mr. P. DAMODARA MENON.

(a) Yes.

(b) Yes.

(c) Nothing requiring any justification has been done in the present case.

(d) In view of the answer to (c) above, this portion does not call for an answer.

Mr. T. A. RAMACHANDRA AYYAR.

In the answer to part (c) here, it is stated "Nothing requiring any justification has been done in the present case." It is admitted that the Sirkar Vakil was in service for the last 20 years. But I never question about the power of the Government to do anything and everything. But here the question is whether they were justified in doing so. He was in the service for 20 years, and he was found incompetent even to instruct in a case. He was a Vakil for the last 20 years, and if he was found incompetent even to instruct in a case, how is the Government justified in keeping him for so long a period? That is the justification which I want.

LIBRARY ARCHIVES Kerala Legislative Assembly